

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: December 18, 2008

ZMAP 2008-0013 & SPEX 2008-0041 – Equinix Data Center

DECISION DEADLINE: July 31, 2009

ELECTION DISTRICT: Dulles

PROJECT PLANNER: Stephen Gardner

EXECUTIVE SUMMARY

Equinix RP II LLC of Foster City, California has submitted an application to rezone approximately 31.97 acres from the PD-IP (Planned Development – Industrial Park) zoning district under the 1972 Zoning Ordinance to the PD-IP (Planned Development – Industrial Park) zoning district under the Revised 1993 Zoning Ordinance in order to develop any uses permitted in the PD-IP zoning district under the Revised 1993 Zoning Ordinance at densities up to 0.6 Floor Area Ratio (FAR). The property is located within the Route 28 Taxing District. The property is also located within the AI (Airport Impact) Overlay District, between the Ldn 60-65 aircraft noise contours. The applicant has also submitted an application for a special exception to permit a maximum FAR up to 0.6. This special exception application is subject to the Revised 1993 Zoning Ordinance, and an FAR up to 0.6 is permitted by Special Exception under Section 4-506(C). The property is located on the south side of Beaumeade Circle and west side of Filigree Court at 21691, 21701, 21711, 21715, 21721, 21731 Filigree Court, Ashburn, Virginia in the Dulles Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area), the Dulles North Area Management Plan, and the Revised Countywide Transportation Plan which designate this area for Business uses and which recommend an FAR of up to 0.4.

RECOMMENDATION

Staff cannot support this application until the following issues have been resolved: 1) Compatibility to adjoining properties related to height and building design; and 2) The installation of and/or funding for a traffic signal at the intersection of Loudoun County Parkway and Beaumeade Circle South. Staff further notes that the Proffer Statement and the Conditions of Approval are in a draft format; the Applicant has not agreed to the recommended Special Exception Conditions, notably Conditions 10 and 14. At this time, staff recommends the application be referred to Committee for discussion.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZMAP 2008-0013 & SPEX 2008-0041, Equinix Data Center, to a Committee of the Whole meeting for further discussion.

OR,

2. I move an alternate motion.

VICINITY MAP



Directions:

From Leesburg, take Route 7 east to Loudoun County Parkway. Follow Loudoun County Parkway south to Beaumeade Circle South. Turn right onto Beaumeade Circle South. Follow Beaumeade Circle South to Filigree Court. Turn left onto Filigree Court. The subject property will be on the right.

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I. APPLICATION INFORMATION

APPLICANT

Equinix RP II LLC
301 Velocity Way, Fifth Floor
Foster City, CA 94404
650-513-7008

REPRESENTATIVE

Patton Harris Rust & Associates
Attn: Mr. Mark Thomas, CLA
208 Church Street, SE
Leesburg, VA 21075
703-777-3616

APPLICANT'S REQUEST

A Zoning Map Amendment to rezone 31.97 acres from the PD-IP zoning district under the 1972 Zoning Ordinance to the PD-IP zoning district under the Revised 1993 Zoning Ordinance. A Special Exception to permit a Floor Area Ratio (FAR) up to 0.6.

LOCATION

21691, 21701, 21711, 21715, 21721, 21731 Filigree Court;
west of Filigree Court, south of Beaumeade Circle

TAX MAP/PARCEL #s

Tax Map /80///7/////5/ MCPI 061-48-3407-000

ZONING

PD-IP

ACREAGE OF SITE

31.97 acres

SURROUNDING ZONING / LAND USES

	ZONING	PRESENT LAND USES
North	PD-IP	Flex/Civic/Institutional
South	PD-IP	Commercial Retail
East	PD-IP	Vacant
West	PD-IP	Industrial

II. SUMMARY OF DISCUSSION

Topic	Issues Reviewed and Status
Comprehensive Plan	<ul style="list-style-type: none"> Demonstrate conformance with the light industrial policies of the <u>Revised General Plan</u> with respect to use. Status: Resolved; to ensure the amount of office is not disproportionate to industrial uses, the Applicant has agreed to limit the amount of office on the site to eighteen percent (18%). The land use mix is in conformance with the Plan. Conformance with the <u>Revised General Plan</u> with respect to proposed Floor Area Ratio (FAR). Status: Resolved. A 0.6 FAR can be supported on an individual parcel if the FAR for the light-industrial community (i.e. Beaumeade Corporate Park) does not exceed 0.4. The FAR for Beaumeade is currently less than 0.4. Ensure architectural compatibility with respect to height and mass of the proposed structures. Status: Outstanding. The Applicant has agreed to limit the height of any proposed structures to seventy-five feet (75'); illustrative building elevations depict a building rising to a height of fifty-seven feet (57'). Given the "areas of possible building expansion, parking and loading" depicted on the plat and the illustrative nature of the elevation, the additional square footage realized by a 0.6 Floor Area Ratio (278,522 s.f.) may result in a substantially larger massing of buildings than what currently exists on the property with the potential for multiple buildings to achieve a height of seventy-five feet (75'). Given the proposed height of the structures, a commitment to architectural features and building design to ensure compatibility with adjoining properties. Status: Under review; elevations depicting building design were submitted on December 2, 2008 and have not been fully evaluated. The inclusion of a usable public/civic/open space on the site. Status: Resolved; a civic area has been delineated adjacent to Building B. Illustration of sidewalks and/or pedestrian linkages to other buildings and parking lots on the Special Exception Plat. Status: Resolved; pedestrian connections have been illustrated on the Special Exception plat.
Zoning	<ul style="list-style-type: none"> The submission of a Concept Development Plan and Proffer Statement. Status: Resolved. Documentation demonstrating that all Conditions of Approval associated with SPEX 2006-0016 have been fulfilled. Status: Resolved. Minor revisions to the SPEX Plat, the CDP, and the Proffer Statement. Status: Resolved.
Emergency Services	<ul style="list-style-type: none"> A request to allow fire rescue personnel access to the facility prior to occupancy to aid in preplanning for a response. Status: Resolved; condition added accordingly. A fire and rescue contribution of \$0.10 per square foot of development is anticipated by Board policy. Status: Outstanding; documentation indicating agreement with the fire and rescue contribution has not been received.
Loudoun Water	<ul style="list-style-type: none"> No issues noted. Status: Recommendation of approval.

Environmental Review	<ul style="list-style-type: none"> The inclusion of bike racks on the site and shower facilities in buildings. Status: Resolved; a condition requiring bike racks has been included, and shower facilities currently exist on-site. A request to commit to a structure design that meets the Leadership in Energy and Environmental Design (LEED) standards. Status: Resolved; though no commitment can be made to certification, LEED principals have been incorporated into existing buildings on the site and will be used for any future construction.
VDOT	<ul style="list-style-type: none"> No issues noted. Status: Recommendation of approval.
Transportation (OTS)	<ul style="list-style-type: none"> Existing site entrances should be reviewed and approved by VDOT to ensure adequate sight distance, turn lanes, and design. Status: Resolved. Given the Level of Service (LOS) at the Loudoun County Parkway / Beaumeade Circle South intersection is failing and the County's policy that no additional development be approved until an adequate LOS is achieved, the Applicant should provide the remaining funding needed for installation of said signal. Status: Unresolved; the Applicant concurs that a regional roadway contribution is warranted but advocates a fair share approach as an alternative to fully funding the signal; a contribution of \$45,000.00 has been suggested based upon one hundred percent data center use with an additional contribution up to \$42,000.00 if a use other than data center were to develop. Staff reiterates its first preference is for full funding of the signal.

III. CONCLUSIONS

- The application has not sufficiently mitigated its transportation impacts in that the additional trips generated will exacerbate an existing failing Level of Service (LOS) at the Loudoun County Parkway / Beaumeade Circle South intersection.
- The application has not demonstrated compatibility with surrounding properties regarding building design, height and/or placement.
- The application complies with the requirements of the Revised 1993 Loudoun County Zoning Ordinance.
- The request to increase the Floor Area Ratio (FAR) on the site to 0.6 is consistent with the Revised General Plan, provided the FAR for the light-industrial community (i.e. Beaumeade Corporate Park) does not exceed 0.4.

IV. CONDITIONS OF APPROVAL – December 4, 2008

Should the application be considered further, staff recommends the following conditions of approval:

- Substantial Conformance** – This Special Exception shall be developed in substantial conformance to the "EQUINIX 100% DATA CENTER USE AND COMMERCIAL OFFICE / WAREHOUSE / FLEX INDUSTRIAL," Plat, Sheets 1 of 6 and 4 of 6, dated June 10, 2008, revised to December 2, 2008, and prepared by Patton Harris Rust & Associates.

Approval of this application does not relieve the applicant of any Zoning Ordinance, Codified Ordinance, or any other requirement.

2. **Land Use** – The following by-right uses shall not be permitted: a. post office; b. commuter parking lot; c. bank of financial institution; and d. health and fitness center. Any by-right use noted above currently located on the site shall be permitted as a legally conforming use but shall not be permitted to expand beyond the current footprint. If such use is discontinued, it shall not be permitted subsequently. The Applicant shall limit the development of commercial office uses on the Property to a maximum of eighteen percent (18%) or 150,000 gross square feet.
3. **Multi-Use Trail** – The five (5) foot wide asphalt trail located along Filigree Court and Beaumeade Circle shall be maintained in good condition.
4. **Building Height** – To ensure compatibility with adjoining properties, no building or structure on site shall exceed a maximum height of seventy-five feet (75').
5. **Civic Area** – The area designated on the Special Exception Plat as "Proposed Civic Area" shall be constructed concurrent with the construction of Building B. The "Proposed Civic Area" is in addition to the area designated as "Existing Civic Area." Both the "Proposed Civic Area" and the "Existing Civic Area" shall be maintained in good condition. The "Proposed Civic Area" shall include, at a minimum, four (4) benches and one bike rack. Each bench shall accommodate a minimum of two persons, and the bike rack shall accommodate a minimum of four (4) bikes. Landscaping shall be installed within the "Proposed Civic Area" and shall include a minimum of sixteen (16) canopy trees. The foregoing landscaping shall be in addition to any other landscaping required as part of landscaping required by the Revised 1993 Loudoun County Zoning Ordinance. Interior landscaping, Buffers, Buffer Yards, and Screening shall be in substantial accordance with the Revised 1993 Loudoun County Zoning Ordinance and the Special Exception plat dated June 10, 2008, revised to October 30, 2008, and prepared by Patton Harris Rust & Associates.
6. **Carpool Parking** – The Applicant shall reserve, through the use of clearly visible signs, two parking spaces near an entrance to each building for employees who carpool. The signs will be installed prior to the issuance of an occupancy permit for the construction of Building B or for any building expansion for Buildings A, C, D/E, or F.
7. **Fire Rescue Inspection** – Prior to the issuance of an occupancy permit for Building B or for any building expansion for Buildings A, C, D/E, or F, the Applicant shall coordinate with the appropriate representatives from the Department of Fire, Rescue and Emergency Management to arrange an on-site visit and inspection of the facility. Such an inspection is intended to review fire protection systems and ensure access is available to emergency first responders after the facility is operational.
8. **Mechanical Equipment Screening** – Mechanical equipment (including generators and chilling plants) and dumpsters shall be screened from adjacent properties. Screening

methods shall include, but not be limited to, a fence or wall of similar construction to the buildings on site, landscaping, or by a building on site.

9. **Exterior Lighting** – Any additional lighting installed to accommodate the facility shall be fully shielded as defined by the Illuminating Engineering Society of North America (IESNA). Light shall be directed inward and downward toward the interior of the property, away from nearby properties.
10. **Energy Consumption** – To mitigate the increase in energy demand caused by the enlarged floor-area ratio, the applicant shall demonstrate through Option 1 of Energy and Atmosphere Credit 1 in *the Leadership in Energy and Environmental Design (LEED) for New Construction Technical Reference Manual*, an energy efficiency gain of 21 percent for new building areas or 14 percent for existing building renovations. The building simulation (model), comparing baseline building performance with proposed building performance, shall be provided to the Department of Building and Development prior to site plan approval. This building simulation (model) will verify the energy efficiency improvements.
11. **Water Consumption** – Water efficient plumbing fixtures shall be installed within all new building areas. Specifically, all urinals, toilets, and shower heads shall use less water than that required by Table 604.4 of the International Plumbing Code, (i.e. 1.6 gallons per flush and 2.5 gallons per minute at 80 pounds per square inch).
12. **Bicycle/Shower Facilities** – To promote bicycle transportation, the office component of the project shall provide changing/shower facilities for 0.5% of full time employees, consistent with *Site Sustainability Credit 4.2 in the Leadership in Energy and Environmental Design (LEED) for New Construction Technical Reference Manual*.
13. **Energy Monitoring** – The Applicant shall utilize energy accounting software to track energy consumed by the data center use. Reports generated by the software, including energy consumed on a monthly basis, shall be provided to the Department of Building Development annually, starting 1 year after occupancy of any new or renovated data center space. The intent of the condition is to verify that the applicant is monitoring energy demands caused from the data center use and has the information to make adjustments to improve energy efficiency.
14. **Traffic Signal** – Prior to the issuance of the zoning permit for the construction of Building B or prior to the issuance of a zoning permit for an expansion area greater than 100,000 square feet if warranted by the Virginia Department of Transportation (VDOT), the Applicant shall install a traffic signal at the intersection of Loudoun County Parkway and Beaumeade Circle South. The traffic signal shall be built pursuant to the specifications set forth by VDOT. If warrants for the signal have not been met or VDOT has not authorized the installation of a signal prior to the issuance of zoning permits for greater than 100,000 square feet of expansion, the Applicant shall contribute \$300,000.00 to the County prior to or in conjunction with reaching said zoning limit. This contribution shall escalate annually from the base year of 2008 and shall be adjusted effective each January 1st thereafter, based on the Consumer Price Index for all urban consumers

(CPI-U) 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.

V. PROJECT REVIEW

A. CONTEXT

On July 31, 2008, the County accepted, on behalf of Equinix RP II LLC, a request for Zoning Map Amendment (ZMAP) to rezone 31.97 from PD-IP (Planned Development – Industrial Park) under the 1972 Zoning Ordinance to PD-IP (Planned Development – Industrial Park) under the Revised 1993 Zoning Ordinance. Concurrently, a second application for Special Exception (SPEX) has been submitted to allow a maximum Floor Area Ratio (FAR) up to 0.6. A 0.6 FAR is allowed by Special Exception under the Revised 1993 Zoning Ordinance; such a request is not an option under the 1972 Zoning Ordinance which limits the FAR to 0.4. Accessible by Filigree Court, the property is located in the Beaumeade Corporate Park, south of Beaumeade Circle, and north of the Ashburn Corporate Center.

The site is currently improved with five (5) flex/warehouse buildings and associated parking, encompassing 517,252 square feet of floor area. A Special Exception, SPEX 1988-0007 (Dickinson-Heffner), was approved in July 1988 to allow flex-industrial uses on the Property. Site development plans were approved accordingly, permitting the construction of six (6) flex-industrial buildings totaling 459,938 square feet. Subsequent Special Exceptions, SPEX 2001-0043 (Beaumeade Tech Center) and SPEX 2006-0016 (Equinix RP II LLC), were approved in September 2002 and July 2006 respectively. SPEX 2001-0043 allowed for conversion of the site from flex/industrial to one hundred percent (100%) office and/or data center use. SPEX 2006-0016 allowed for expansion of the building footprints and further allowed for 100-percent data center, commercial office space, warehouse, flex-industrial, or any combination of these uses. Previously approved site development plans were revised to permit the construction of additional square footage between Buildings D and E, effectively combining the two and allowing for the layout currently on the site.



Existing flex/industrial buildings located on-site.

The Beaumeade Corporate Park was originally envisioned as a unified industrial park but, over time, has become more office and retail oriented. Much of the park has developed by-right, and in addition to the afore-mentioned applications, various special exceptions have been approved allowing expanded office uses as well as civic uses that include schools and churches. Recent special exceptions include SPEX 2008-0019,

Beaumeade Merritt Tract – Beaumeade Gun Club Training Facility, approved in July 2008 and SPEX 2008-0020, Ideal Schools, approved in June 2008.

B. SUMMARY OF OUTSTANDING ISSUES

A revised Special Exception Plat and associated elevations were received on December 2, 2008 and have not been fully elevated. Outstanding issues include:

1. ***Demonstrate that proposed structures are architecturally compatible with adjoining properties related to height and mass.*** Based upon concerns related to compatibility, the Applicant has agreed to limit the height of all buildings to seventy-five (75') feet; illustrative building elevations depict a building rising to a height of fifty-seven feet (57'). However, given the identification of "areas of possible building expansion, parking, and loading" and the additional development potential possible with a 0.6 Floor Area Ratio (FAR), the Applicant must demonstrate that the realization of any additional square footage (278,522 s.f.) will be compatible with adjoining properties.
2. ***The installation of a traffic signal at the intersection of Loudoun County Parkway and Beaumeade Circle South.*** Though staff advocates full funding of the signal, the Applicant has agreed to a fair share contribution as an alternative.
3. ***The Applicant has not agreed to the Fire and Rescue Contribution.*** Though not opposed to a contribution, the Applicant suggests the base year be noted as 2009; Board policy specifically states the base year to be 1988.
4. ***The Proffer Statement and Conditions of Approval have not been approved to legal form.*** It should be noted that the Applicant is not in agreement with Conditions 10 and 14; additional discussion regarding these conditions is needed.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan (Plan) and is located in the Ashburn Community of the Suburban Policy Area. The Planned Land Use Map (Revised General Plan, p. 7-23) designates the area as suitable for Business uses, and based upon the development of the site and the existing PD-IP zoning, the Beaumeade Corporate Park is considered under the light industrial policies of the Plan.

The proposal includes two applications: 1) A Zoning Map Amendment (ZMAP) to rezone the site from PD-IP (Planned Development – Industrial Park) under the 1972 Zoning Ordinance to PD-IP (Planned Development – Industrial Park) under the Revised 1993 Zoning Ordinance; and 2) A Special Exception (SPEX) to allow a maximum Floor Area Ratio (FAR) up to 0.6.

ZMAP Conformance with Revised General Plan

The application for Zoning Map Amendment (ZMAP) is in conformance with the Revised General Plan. The Plan encourages property owners located within the Route 28 Tax District

that own property governed under the 1972 Zoning Ordinance to opt into the Revised 1993 Zoning Ordinance. Conversion of the property to the Revised 1993 Zoning Ordinance will not diminish the development potential of commercial growth within the tax district, adversely impacting its long-term viability, nor will it result in a net reduction of employment-related land uses. Conversely, the Revised 1993 Zoning Ordinance does offer the potential through Special Exception to increase the maximum Floor Area Ratio (FAR) to 0.6; such a request is not an option under the 1972 Zoning Ordinance which limits the FAR to 0.4.

SPEX Conformance with Revised General Plan

The Plan envisions a Business community as predominantly large-scale office and/or light-industrial communities. Based upon the existing development pattern of the area and the PD-IP zoning, the Beaumeade Corporate Park is considered under the light-industrial policies of the Plan, which recommends a non-residential Floor Area Ratio (FAR) of 0.3 to 0.4. The Plan describes such areas as “compact, high-intensity nodes on the arterial corridors of the County” but suggests a development pattern emphasizing low-rise structures of two stories or less. Campus style industrial parks are encouraged and may include flex, research and development, and smaller-scale manufacturing. The land use mix allows housing and/or commercial/retail, provided compatibility to the predominant land use is maintained, to ensure services, shops, and recreation are located within general proximity of an employment center. Public parks and open space are expected as part of the land use mix.

The Beaumeade Corporate Park was originally intended to be a unified industrial park built in a campus style setting. The Park is dominated by one and two-story flex buildings but has failed to attract the large-scale research and development and manufacturing uses as originally envisioned. Instead, Beaumeade has evolved into a mixed-use center home to a number of service and retail uses. Multiple special exceptions have been approved allowing civic uses, including churches and schools, as well as expanded office use. As such, office has become a significant component of the Park.

The proposed Special Exception will increase the Floor Area Ratio (FAR) on the subject parcel from 0.4 to 0.6. Currently, the site is developed with 517,252 square feet of flex/industrial and/or data center uses at an FAR of 0.37. The increase in FAR will allow the total square footage of the site to increase to 835,567, eighteen percent (18%) of which will be limited to office uses. The remaining eighty two percent (82%) will be reserved for data center, warehouse, and/or flex industrial uses.

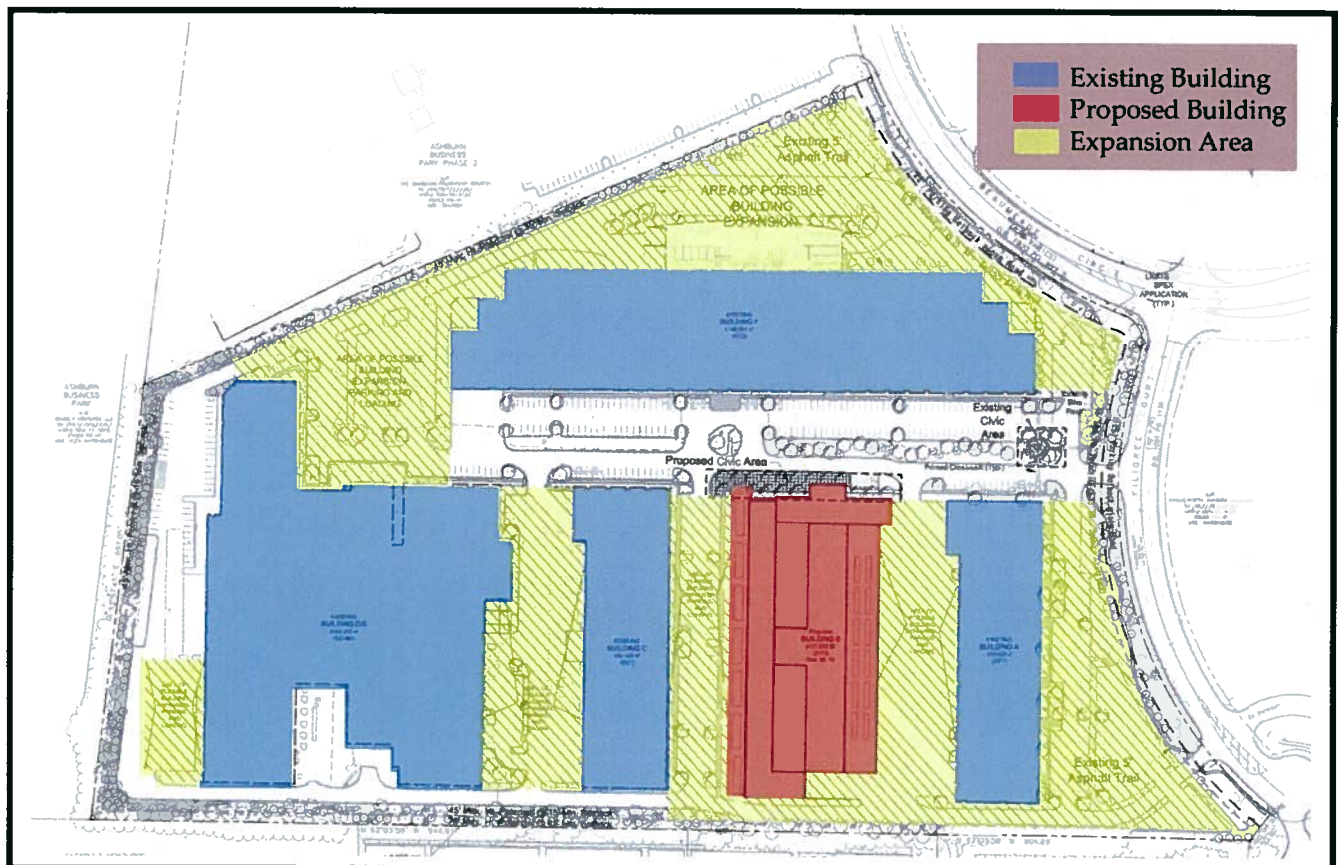
As previously noted, the Plan recommends a non-residential FAR of 0.3 to 0.4 for a light industrial area. FAR is calculated on an aggregate basis and would consider the entire light industrial community, in this case the entire Beaumeade Corporate Park; Beaumeade Corporate Park is currently not developed at an FAR of 0.4. An increase of FAR on an individual parcel can be supported, provided the total FAR for the Beaumeade Corporate Park does not exceed 0.4, and compatibility with adjoining properties is maintained. Staff considers the issue of compatibility, notably the height and design of the structures, outstanding and, consequently, cannot support the increase in FAR until such is resolved.

Conversely, staff does note that the proposal to limit the amount of office to eighteen percent (18%) from the approved 42.8 percent will allow industrial uses to maintain a dominate role,

ensuring the total land use mix for the Beaumeade Corporate Park remains in conformance with the light industrial policies of the Plan. Discussions regarding the land use mix of the site originated from the need to ensure the increase in FAR would not result in an imbalance of office related to industrial uses and to ensure required parking can be provided.

Building Height and Design

Currently, the site is developed with five (5), one-story flex-industrial buildings at a Floor Area Ratio (FAR) of 0.37. The Special Exception Plat depicts a significant increase in the area of Building B with “areas of possible building expansion, parking, and loading” both between and around many of the buildings. Early elevations depicted building heights of one hundred feet (100’) with little articulation to the structure; no windows were shown and limited doors. After issues of compatibility were raised and a greater commitment to design was requested, the Applicant has agreed to limit the height of any structure to seventy-five feet (75’). Illustrative building elevations, submitted on December 2, 2008, depict a building height of fifty-seven feet (57’) but have not been fully evaluated.



Special Exception Plat depicting proposed site layout; existing buildings are noted in blue, the proposed building in red and additional expansion areas in yellow.

The subject parcel forms a portion of the southern boundary of the Beaumeade Corporate Park. The Ashburn Corporate Center is located immediately adjacent to and south of the site and is home to a number of restaurants, an Embassy Suites hotel, and a Homewood Suites hotel. In like manner, Guardian Self Storage also abuts the site to the south. As previously noted, the Beaumeade Corporate Park is composed predominantly of one and two-story flex

buildings. In contrast, the Embassy Suites hotel and the Homewood Suites hotel in the Ashburn Corporate Center rise to heights of six stories, seventy feet (70'), and three stories, thirty-five feet (35') respectively. The restaurants and self storage both consist of a series of one-story structures.



Adjacent properties located immediately south, including Embassy Suites and Guardian Self Storage.



Existing Flex-Industrial properties located to the north, across Beaumeade Circle.

The elevations depicting a building height of fifty-seven feet (57') are illustrative only, and though the Applicant has agreed to a height limitation of seventy-five feet (75'), any structure realizing such will become a prominent feature in this area, particularly when compared with the adjoining properties where one and two-stories are the norm. A seventy-five foot (75') building will be clearly visible from both Loudoun County Parkway and Waxpool Road, two heavily traveled routes and two of the County's premier business corridors. Furthermore, a data center use is typically located in buildings with no windows and few doors; early elevations depicted a building with four contiguous "blank wall" facades, inconsistent with the design policies of the Plan.

Staff acknowledges that the Revised 1993 Zoning Ordinance allows a building height of one hundred feet (100') by-right in the PD-IP District; the seventy-five foot (75') height limitation was suggested by the Applicant as a means to mitigate the visual impact. Nonetheless, a 0.6 FAR allows for additional massing and scale in addition to height which otherwise may not be possible, absent a substantial redevelopment of the site. Furthermore, if the site were to redevelop, the "areas of possible building expansion, parking, and loading" could allow for multiple buildings on the site to realize a mass and height greater than what currently exists. In fact, the Special Exception plat leaves significant flexibility in the exact distribution of square footage related to height and mass of individual structures. As such, staff cannot support the application until it is demonstrated that the height is compatible with the existing development pattern of the area or the design is such to mitigate any visual impacts along Loudoun County Parkway and Waxpool Road. An evaluation of the design has not been completed.

ZONING

The property under consideration is a 31.97 acre tract, identified as Loudoun County Tax Map Number Tax Map /80///7/////5/. Currently zoned PD-IP (Planned Development – Industrial Park) under the 1972 Zoning Ordinance, the application proposes to rezone the property to PD-IP (Planned Development – Industrial Park) under the Revised 1993 Zoning Ordinance. A companion application for Special Exception proposes to increase the maximum Floor Area Ratio (FAR) to 0.6. A 0.6 FAR is allowed by Special Exception pursuant to Section 4-506(C) of the Revised 1993 Zoning Ordinance; such a request is not an option under the 1972 Zoning Ordinance which limits the FAR to 0.4. Zoning comments were limited to minor administrative revisions to the Special Exception Plat, the Concept Development Plan and the Proffer Statement. In addition, zoning comments requested clarification of existing features versus proposed features and documentation that all Conditions associated with SPEX 2006-0016 have been fulfilled. The Applicant has addressed all of these items, and no further zoning issues remain outstanding.

EMERGENCY SERVICES

The Ashburn Volunteer Fire and Rescue Company will provide fire and rescue services to the site by means of its temporary station on Ashburn Road and ultimately its permanent station in Moorefield Station. County policy anticipates a contribution of \$.10 per square foot of development. In this instance where many of the structures are existing, the County would anticipate a contribution based upon any new construction or expansions of existing structures. In addition, given the controlled access nature of the facilities, fire and rescue staff have requested the opportunity to discuss plans for fire protection and further requested the first due fire and rescue company be allowed to visit the facility to aid in pre-planning for a response. The Applicant is in agreement with the Condition; however, the Applicant has not agreed to the fire and rescue contribution. Though not opposed to a contribution, the Applicant suggests the base year be noted as 2009; Board policy specifically states the base year to be 1988.

TRANSPORTATION

The subject property is located in the southwest quadrant of the Beaumeade Corporate Park, south of Beaumeade Circle and west of Filigree Court, which provides primary access. The road network in the area has been completed to its ultimate configuration. However, the intersection of Beaumeade Circle South/North and Loudoun County Parkway and the intersection of Filigree Court and Beaumeade Circle are currently not signalized.

The request for Special Exception proposes to increase the maximum Floor Area Ratio (FAR) from 0.4 to 0.6. For purposes of calculating the anticipated trip generation, the traffic study considered the following by-right uses in its development program: 505,513 gross square feet of data center, 150,000 gross square feet of office, and 180,054 gross square feet of warehouse. Based upon this scenario, AM and PM peak hour trip generation would increase from 202 and 231 daily vehicle trips to 451 and 463 daily vehicle trips respectively.

The Traffic Study submitted by the Applicant identifies the Level of Service (LOS) at the Loudoun County Parkway / Beaumeade Circle South intersection as currently failing. It can be anticipated that the additional trips generated by the proposed application will have a

significant impact on this intersection, exacerbating the situation. The Revised Countywide Transportation Plan states, "Land development will only occur along roads that currently function at Level of Service 'D' or better...or, alternatively, development may occur where the developer provides the improvements...in a timely manner such that the LOS service does not fall below LOS 'D.'" As such, staff cannot support the application until such time as the transportation impacts are fully mitigated.

As a solution to this issue, staff recommends the Applicant provide funding for the construction of a traffic signal at the intersection of Loudoun County Parkway / Beaumeade Circle South, which will result in an acceptable LOS. The Applicant concurs that a regional roadway contribution is warranted but advocates the contribution be based upon a percentage of trips generated by the proposed application. This fair share approach has been used with previous applications and would ensure equity in that no one application bears the burden of fully funding a transportation improvement. The Applicant has suggested a fair share contribution of \$45,000.00 based upon a one hundred percent data center use. The Applicant has further suggested an additional contribution up to \$42,000.00 if a use other than data center were to develop on-site.

Based upon the policy which precludes additional development if existing LOS is failing, staff maintains its recommendation that the signal be fully funded. Conversely, staff acknowledges a fair share approach has been used consistently in the past and suggests additional discussion by the Planning Commission regarding which approach is preferred in this instance. If fair share is the preferred approach, staff agrees with the phased contribution of \$45,000.00 and \$42,000.00, dependent upon use.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Loudoun County Zoning Ordinance states "In considering a Special Exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or Special Exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

(A) Whether the proposed Special Exception is consistent with the Comprehensive Plan.

Per the Planned Land Use Map of the Revised General Plan, the Beaumeade Corporate Park is designated as suitable for Business uses and is considered under the Light Industrial policies of the plan with an allowable Floor Area Ratio (FAR) of 0.3 – 0.4. Individual parcels may exceed the recommended FAR, provided the total FAR for the community, in this case the Beaumeade Corporate Park, does not exceed 0.4. Because the FAR for Beaumeade currently does not exceed 0.4, the Special Exception to allow an FAR of 0.6 is consistent with the Comprehensive Plan. Furthermore, the application proposes to limit the percentage of office, ensuring industrial uses maintain the dominate land use within the Beaumeade Corporate Park

(B) Whether the proposed Special Exception will adequately provide for safety from fire hazards and have effective measures of fire control.

As the site is already developed and operational, existing measures for fire prevention and control are in place.

(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.

Any noise generated by the site must meet all Zoning Ordinance requirements. Any supporting facilities such as generators or chilling plants will be screened to further limit noise.

(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.

Existing lighting has been reviewed as part of the approved site development plans for structures located on the site and is consistent with all of the Zoning Ordinance and FSM requirements. In like manner, any additional lighting proposed with any new construction will be reviewed as part of the site development plan process. A condition of approval has been included that states any additional lighting installed to accommodate the special exception shall be fully shielded and will be directed inward and downward toward the interior of the property, away from nearby properties.

(E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.

The Special Exception to increase the maximum Floor Area Ratio (FAR) may result in a development pattern that is not consistent with that of adjoining parcels. The Applicant has stated that building heights will be limited to seventy-five feet (75'); the equivalent of a six story structure. Elevations detailing such have been submitted but have not been fully evaluated. Given the development pattern of the Beaumeade Corporate Park is predominately one and two-story flex industrial buildings, staff cannot support the application until compatibility with the neighborhood is demonstrated or a design is proposed which will mitigate any visual impact along Loudoun County Parkway and Waxpool Road.

(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.

Landscaping has been installed consistent with all of the Zoning Ordinance requirements. No alterations to existing landscaping have been proposed. Any alterations to the site will meet all of the setbacks, screening, and buffering as required by the Ordinance.

(G) Whether the proposed Special Exception will result in the preservation of any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.

The Special Exception uses do not fall within any known area that has significant archeological or historical significance.

(H) Whether the proposed Special Exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.

The site is currently developed; no damage to existing animal habitat or vegetation is anticipated. Water quality will be maintained by best management practices, consistent with the County's Facility Standards Manual.

(I) Whether the proposed Special Exception at the specified location will contribute to or promote the welfare or convenience of the public.

The Beaumeade Corporate Park was planned and developed as a unified industrial park, and, as such, the use is appropriately sited. Furthermore, employment opportunities will be generated in a location central to a majority of the County's population.

(J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.

Much of the regional road system in this area has been built to its ultimate configuration, and as such, the anticipated traffic was contemplated during the design. Staff does note, however, the intersection of Loudoun County Parkway / Beaumeade Circle South is currently operating at a failing Level of Service (LOS). The increase in FAR will allow for greater development potential of the site, and as such, a corresponding increase in daily vehicle trips can be expected. This increase will have a significant impact on the afore-mentioned intersection, the mitigation of which remains an outstanding issue. Pedestrian connections have been provided both through the site and to adjoining properties.

(K) Whether, in the case of existing structures proposed to be converted to uses requiring a Special Exception, the structures meet all code requirements of Loudoun County.

All code requirements have and will continue to be met.

(L) Whether the proposed Special Exception will be served adequately by essential public facilities and services.

The site is currently developed, and all public facilities and utilities have been extended.

(M) The effect of the proposed Special Exception on groundwater supply.

The site is currently developed, and all utilities and stormwater management facilities have been extended. No effect on the groundwater supply can be anticipated.

(N) Whether the proposed use will affect the structural capacity of the soils.

The site is already developed. The structural capacity has already been considered as site development for the current structures were reviewed and approved.

(O) Whether the proposed use will negatively impact orderly and safe road development and transportation.

The proposed increase in FAR will provide for an appreciable increase in gross square footage; a corresponding increase in daily vehicle trips can be anticipated. Currently, the Loudoun County Parkway / Beaumeade Circle South intersection, currently unsignalized, is

operating at a failing Level of Service (LOS). The additional trips generated by the application will have a significant impact on this intersection and will exacerbate this situation. Signalization of the intersection will result in an acceptable LOS, and though the Applicant has committed to a regional roadway contribution, staff recommends the signal be funded in its entirety.

(P) Whether the proposed Special Exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

Allowing an FAR up to 0.6 will provide opportunity for expansion of a business which has become a key institution in the County's rapidly growing technology industry. As such, enhanced employment opportunities can be expected.

(Q) Whether the proposed Special Exception considers the needs of agriculture, industry, and businesses in future growth.

The proposed Special Exception will allow an increase in the development potential of the site that will aid in redevelopment of the property such that additional space can be provided for industry growth.

(R) Whether adequate on and off-site infrastructure is available.

The site is currently fully developed, and all on and off-site infrastructure has been provided.

(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

There are no odors anticipated to be generated by the site.

(T) Whether the proposed Special Exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Since this site is located within an existing business park and construction traffic to and from the site will use existing regional roads that do not traverse existing residential neighborhoods, construction traffic will not have an adverse impact on existing neighborhoods or school areas.

Section 6-1211(E) of the Revised 1993 Zoning Ordinance states, "...if the application is for reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give a reasonable consideration to the following matters..."

(1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.

The PD-IP (Planned Development – Industrial Park) zoning designation is consistent with a Business designation. In addition, the County does allow and encourage property owners to convert to regulation under the current zoning ordinance. The Revised General Plan specifically

supports conversion of properties from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance.

(2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.

There have not been any changed or changing conditions in this area that have an affect on this proposed rezoning. The Beaumeade Corporate Park continues to develop as anticipated with a number of permitted, by-right and special exception uses, consistent with the area's Business designation. The additional permitted uses allowed by the Revised 1993 Zoning Ordinance are consistent with the development of this area, and again, conversion to regulation under the Revised 1993 Zoning Ordinance is encouraged.

(3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

The range of uses proposed in this application are compatible with the uses of adjacent properties, due to the abutting PD-IP zoning. Staff further notes that the Board of Supervisors approved an application for Zoning Map Amendment to rezone approximately 13-acres immediately adjacent to the site to the east from the 1972 Zoning Ordinance and the 1993 Zoning Ordinance to the Revised 1993 Zoning Ordinance in January 2007.

(4) Whether adequate utility, sewer, and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

The property is fully developed and utilities provided. A conversion to regulation under the Revised 1993 Zoning Ordinance will have no impact on the provision of utilities, and the roadway network has been constructed to its ultimate configuration. Nonetheless, it can be anticipated that the additional permitted uses allowed under the Revised 1993 Zoning Ordinance and the opportunity to increase the development potential of the site by Special Exception to a 0.6 FAR (Floor Area Ratio) will result in an increase in the daily vehicle trips. The vast majority of these trips will utilize the intersection of Loudoun County Parkway and Beaumeade Circle South which is currently operating at a failing Level of Service (LOS).

(5) The effect of the proposed rezoning on the county's ground water supply.

The property is currently served by public water and sanitary sewer; no groundwater impacts are anticipated.

(6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.

Since the site is currently developed, the uses allowed by the proposed rezoning will not affect the structural capacity of the soils.

(7) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

This site is located within an existing business park, the regional roadway network to which has been completed to its ultimate configuration. As such, construction traffic to and from the site will not traverse existing residential neighborhoods, creating no impact on existing neighborhoods or school areas.

(8) Whether a reasonably viable economic use of the subject property exists under the current zoning.

As the property has fully developed while governed under the 1972 Zoning Ordinance, a reasonably viable economic use of the subject property does exist. However, the County does support and encourage properties owners to convert to the current regulations.

(9) The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.

The site is currently developed and, as such, no environmental features are present. Water quality standards and best management practices will continue to apply as prescribed in the County's Facilities Standards Manual.

(10) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.

The conversion of this property to the Revised 1993 Zoning Ordinance will better enable the use to provide desirable employment and enlarge the tax base.

(11) Whether the proposed rezoning considers the needs of agriculture, industry, and business in future growth.

The conversion of the property to the Revised 1993 Zoning Ordinance does offer the possibility for an increase in the development potential of the site, providing enhanced opportunities for business and industry growth.

(12) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.

The Beaumeade Corporate Park has developed as an emerging employment center for Loudoun County. The Revised 1993 Zoning Ordinance does offer the opportunity for the site to develop at a 0.6 FAR (Floor Area Ratio) by Special Exception. Such an increase in the development potential would not be possible absent the conversion and may provide opportunities for additional job creation for the region.

(13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.

The Beaumeade Corporate Park has evolved into a mixed-use business center with a high concentration of office and industrial users. The rezoning retains this potential and allows for additional uses which are complimentary and in concert with the County's Revised General Plan and the Revised 1993 Zoning Ordinance.

(14) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County and the capacity of existing and/or planned public facilities and infrastructure.

The rezoning will increase the marketability of the site to potential users by offering greater flexibility in the number of permitted uses and development potential. It will provide the mechanism through which the County's maturing technology industry can expand and, consequently, become a catalyst for further business and employment growth.

(15) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.

As the proposed rezoning will retain the PD-IP (Planned Development – Industrial Park) designation, this application does not include provisions for residential housing.

(16) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.

The property is currently fully developed with a mix of warehouse, office, and flex-industrial users. As such, there are no scenic, archeological, or historic features on the property.

VI. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
a. Planning Department, Community Planning	A-1
b. Building and Development, Zoning Administration	A-10
c. Building and Development, ERT	A-14
d. Office of Transportation Services (OTS)	A-18
e. Virginia Department of Transportation (VDOT)	A-28
f. Fire, Rescue, & Emergency Management	A-30
g. Loudoun Water (formerly LCSA)	A-32
2. Disclosure of Real Parties in Interest	A-34
3. Applicant's Statement of Justification	A-44
4. Applicant's Response to Referral Agency Comments	A-56
5. Proffer Statement	A-68
6. Special Exception Plat; dated 6/10/08; revised 12/2/08	Attached

NOTE: Attachments are available electronically, and may be viewed at the Planning Department Front Counter or in the Building & Development File Room.